

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 6398

PERMIT 3672

LICENSE 1554

ORDER CORRECTING SOURCE,
PURPOSE OF USE, POINT OF DIVERSION
AND
PLACE OF USE

WHEREAS:

1. License 1554 was issued to Antone Avilla on May 7, 1935 and was recorded with the County Recorder of Lassen County on May 25, 1935.
2. License 1554 was subsequently assigned to Mapes Ranch Incorporated.
3. A field inspection was conducted of the project area by State Water Resources Control Board (SWRCB) staff on October 24, 1995. Staff determined that corrections for source, point of diversion, amount and purpose of use were required to agree with actual field conditions and U.S. Geological Survey Map-Said Valley.
4. The SWRCB has determined that said corrections will not initiate a new right nor operate to the injury of any other lawful user and that good and sufficient cause has been shown for said corrections.
5. The license condition pertaining to the SWRCB's continuing authority should be updated with the current version to conform with the Title 23, California Code of Regulations (780(a)).

NOW, THEREFORE, IT IS ORDERED:

1. The description for the source be corrected to read :

Unnamed Stream (AKA Quaking Asp Gulch) tributary to East Fork Juniper Creek thence Juniper Creek thence Pit River thence Shasta Lake thence Sacramento River.

2. The purpose of use be corrected to read:

Stockwatering, Wildlife Enhancement, and Fire Protection
uses
3. License 1554 be amended to reduce the quantity of water collected to storage to:

4.3 acre-feet per annum.
4. The description for the point of diversion be corrected to read :

North 350 feet and West 1,700 feet from SE corner of
Section 7, T36N, R10E, MDB&M, being within SW1/4 of SE1/4
of said Section 7, also described as California Coordinate
System, Zone 1, N 596,350 and E 2,314,700.
5. The description for the place of use be corrected to read:

At Hazelton Reservoir within SW1/4 of SE1/4 of Section 7,
T36N, R10E, MDB&M, as shown on map on file with the State
Water Resources Control Board, all within Assessor's Parcel
No. 029-010-15.
6. The existing continuing authority condition be amended to read:

Pursuant to California Water Code Sections 100 and 275, and
the common law public trust doctrine, all rights and
privileges under this permit and under any license issued
pursuant thereto, including method of diversion, method of
use, and quantity of water diverted, are subject to the
continuing authority of the State Water Resources Control
Board in accordance with law and in the interest of the
public welfare to protect public trust uses and to prevent
waste, unreasonable use, unreasonable method of use, or
unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by
imposing specific requirements over and above those
contained in this permit with a view to eliminating waste
of water and to meeting the reasonable water requirements
of permittee without unreasonable draft on the source.
Permittee may be required to implement a water conservation
plan, features of which may include but not necessarily be
limited to (1) reusing or reclaiming the water allocated;

(2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated:

6/22/90



Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

Notice of Assignment (Over)

License for Diversion and Use of Water

LICENSE 1554

PERMIT 3672

APPLICATION 6398

THIS IS TO CERTIFY, That **Antene Avilla of Red Bluff, California,**

has made proof to the satisfaction of the Division
of Water Resources of California of a right to the use of the waters of **Quaking Asp Gulch in Lassen**
County

tributary of **Pit River**

for the purpose of **stock watering use**

under Permit **3672** of the Division of Water Resources and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources
and the terms of the said permit; that the priority of the right herein confirmed dates from **August 7, 1929;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **thirty-three (33) acre**
feet per annum by storage to be collected from January 1st to December 31st of
each season.

The point of diversion of such water is located **North eighty-seven degrees thirty minutes**
West (N. 87° 30' W.) eighteen hundred thirty-five (1835) feet from the southeast
corner of Section 7, T 36 N, R 10 E, M.D.B.A.M. and being within the SW 1/4 of SE 1/4
of said Section 7.

A description of the lands or the place where such water is put to beneficial use is as follows:

S 1/2 of SE 1/4 of Section 7, T 36 N, R 10 E, M.D.B.A.M.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of
diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned, subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *providing, further*, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this seventh
day of May, 19 35.

EDWARD HYATT
State Engineer

By Harold Cerkling
Deputy

1/16/41

RECEIVED NOTICE OF ASSIGNMENT TO

Alton Pavella, Lloyd
Avella, Irene Totten, Ida D
Copper & E.V. Wing

12/9/46

RECEIVED NOTICE OF ASSIGNMENT TO

2 into 2 Lloyd Avella,
Irene Totten, Ida D. Copper & E.V. Wing to
Alton Pavella

12/23/60

RECEIVED NOTICE OF ASSIGNMENT TO

2/20/53 Jim Mapes
Name changed to Est. of James W. Mapes

10/29/69

RECEIVED NOTICE OF ASSIGNMENT TO

Records chgd to show Mapes Ranch, Inc.
as owner;

LICENSE 1554

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO Antone Avilla

DATED May 7, 1935

2542 4-33 1M CALIFORNIA STATE PRINTING OFFICE

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